

# Exhibit 2



FEB 24 2023

MEMORANDUM FOR COMMANDANT OF THE MARINE CORPS  
CHIEF OF NAVAL OPERATIONS  
ASSISTANT SECRETARIES OF THE NAVY  
GENERAL COUNSEL OF THE NAVY  
JUDGE ADVOCATE GENERAL OF THE NAVY

SUBJECT: Department of the Navy Actions to Implement Coronavirus Disease 2019 Vaccine Rescission

Reference: (a) Secretary of Defense Memorandum, "Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces"  
(b) ALNAV 009/23, "Rescission of COVID-19 Vaccination Requirement for Members of the Armed Forces", January 20, 2023

On 10 January 2023, Secretary of Defense (SECDEF) rescinded the COVID-19 vaccine mandate across the Department of Defense in reference (a). Accordingly, I am canceling all COVID-19 vaccine mandates directed by subordinate echelons of command within the Department of the Navy as of that same date. Further, in reference (b), you were directed to cease separating Sailors or Marines for refusal to receive the COVID-19 vaccination if those members had sought accommodation for religious, medical, or administrative reasons.

For those currently serving Sailors or Marines who previously submitted an accommodation request or appeal solely for exemption from the COVID-19 vaccine, you will consider those requests or appeals closed and return them without action. Such members will remain in service with no adverse action related to the COVID-19 vaccine refusal. For those religious accommodation requests that seek relief from the COVID-19 vaccine in addition to other mandatory vaccines, you will return those requests to the Sailor or Marine and engage with that member to ensure the remaining issues are properly focused and to determine how to proceed. These Sailors and Marines have the option to withdraw their religious accommodation request, or the appeal of that request if previously denied, or submit additional information that might support their request, but they are not required to do so. Requests that have been substantially processed may continue to be processed in those instances in which the Sailor or Marine's remaining issues are clearly understood and ready for resolution, or you may return the request to an earlier stage of the review for further effort to resolve the Sailor or Marine's request, at your discretion.

You will ensure the review of the records of all currently serving Service Members who sought and were subsequently denied an exemption from the COVID-19 vaccination. The service records for those Sailors and Marines so identified shall be reviewed and any adverse information related to their COVID-19 vaccine refusal shall be removed from the service record. All additional records corrections, including those for members who were denied an exemption and were discharged, may be reviewed, at the request of such members or veterans, if he or she chooses to petition the Board for Correction of Naval Records. You are hereby directed to

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modify future selection board convening orders and precepts to include language ensuring the boards do not consider any adverse information related solely to COVID-19 vaccine refusal in cases in which an accommodation was requested.

The Department of the Navy remains committed to protecting our people. I expect you to clearly communicate the processes and procedures of this memorandum and references (a) and (b) to your Sailors and Marines, and provide any necessary amplifying guidance. The Commandant of the Marine Corps and the Chief of Naval Operations will report back to me within 30 days of the date of this memorandum to provide the process, timeline and status of your reviews.



Carlos Del Toro

cc:

ACMC

VCNO

DUSN

AUDGEN

CHINFO

DMCS

DNS

JAG

DON CIO

NAVIG

NCIS

OCMO

OLA

OSBP

Echelon 1 and 2 commands